

THE BOARD OF EXAMINERS OF PSYCHOLOGY MINUTES

May 2, 2005

A regular meeting of the Board of Examiners of Psychology was held at the Division of Occupations, 911 Leawood Drive, Frankfort, Kentucky on May 2, 2005.

MEMBERS PRESENT

Henry S. Davis, Ph.D., Chair
S. Abby Shapiro, Ph.D., Vice Chair
Richard Applegate, M.A.
Barbara Kay Jefferson, Ph.D.
Andrew A. Meyer, Ph.D.
Diane Sobel, Ph.D.
John C. Runyon, M.S.
Andrew B. Jones, Jr., Ph.D.
Ruth Winter Bauman

OCCUPATIONS & PROFESSIONS STAFF

Wendy Satterly, Board Administrator
John Parrish, Director

OTHERS PRESENT

Mark Brengelman, Assistant Attorney General

MEMBERS ABSENT

None

CALL TO ORDER

Henry S. Davis, Ph.D., Chair called the meeting to order at 10:10 a.m.

MINUTES

The minutes of the April 11, 2005, meeting were called to the attention of the members. A motion was made by Mr. Applegate to approve the minutes, as presented. Motion, seconded by Dr. Shapiro, carried.

FINANCIAL STATEMENT

The Board reviewed the financial statement indicating a balance of \$180,491.16 as of April 30, 2005. A motion was made by Mr. Runyon to accept the financial statement. Motion, seconded by Dr. Meyer, carried.

DIRECTOR'S REPORT

No Report

COMPLAINTS

Mr. Applegate informed the Board that the Complaints Screening Committee, after discussion, recommends the Board employee the services of two investigators instead of three beginning July 1, 2005. A motion was made by Dr. Jefferson asking that the fiscal section of the Division of Occupations and Professions send letters to the three current investigators notifying them that their contracts for investigative services will expire as of June 30, 2005 and they can now bid to serve as investigators for fiscal year 2006 and that the Board will require the services of only two investigators this year. Motion, seconded by Mr. Runyon, carried.

The Board reviewed and noted the revised, signed Payment Agreement with the Kentucky Board of Examiners of Psychology from Elmer C. Maggard, Ph.D.

Case 01-13 - A motion was made by Mr. Runyon to issue a Board Order stating that if no final and appealable order has been entered by the Illinois Circuit Court by July 22, 2005, the psychologist is ordered to notify the Kentucky Board, in writing on or before July 27, 2005, of efforts and/or efforts of the psychologist's attorney to obtain a final and appealable order of the Illinois Circuit Court, with a copy of any court pleadings or correspondence to the court related to efforts to obtain a final and appealable order to the Kentucky Board, and with a copy of any final and appealable order. Motion, seconded by Dr. Jefferson,

carried. Drs. Shapiro, Sobel and Mr. Applegate recused from voting on the motion. Mr. Brengelman agreed to draft the Board Order in this matter.

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Case 05-01 - A motion was made by Mr. Runyon to issue a Board Order stating that the psychologist shall provide a true and accurate photocopy of the complete medical/psychological records to the complainant as originally requested by the complainant per KRS 422.317, and provide a written notice to the Board stating that the psychologist has complied with the Board Order. Motion, seconded by Dr. Jefferson, carried. Drs. Davis, Shapiro, Sobel and Mr. Applegate recused from voting on the motion. Mr. Brengelman agreed to draft the Board Order in this matter.

Case 05-02 - The Board reviewed an initiating complaint and a response from the psychologist upon summary by the Complaints Screening Committee with the assistance of counsel. A motion was made by Mr. Runyon to dismiss the complaint for lack of evidence to support a violation of the law and regulations. Motion, seconded by Dr. Meyer, carried. Drs. Shapiro, Sobel and Mr. Applegate recused from voting on the motion.

Case 05-06 - The Board reviewed an investigative report upon summary by the Complaints Screening Committee with the assistance of counsel. A motion was made by Dr. Meyer to issue and Cease and Desist letter and Affidavit of Assurance of Voluntary Compliance in this matter. Motion, seconded by Mr. Runyon, carried. Drs. Shapiro, Sobel and Mr. Applegate recused from voting on the motion. Mr. Brengelman agreed to draft correspondence for the Board in this matter.

Case 05-07 - The Board reviewed an initiating complaint and a response from the psychologist upon summary by the Complaints Screening Committee with the assistance of counsel. A motion was made by Mr. Runyon to dismiss the complaint for lack of evidence to support a violation of the law and regulations. Motion, seconded by Dr. Meyer, carried. Drs. Shapiro, Sobel, and Mr. Applegate recused from voting on the motion.

COMMITTEE REPORTS

CONTINUING EDUCATION COMMITTEE

No report.

EXAMINATION COMMITTEE

The next oral examinations are scheduled for Friday, June 24, 2005. Dr. Davis asked Board members to submit by email vignettes to be used for this oral examination and future examination.

SUPERVISION COMMITTEE

No Report

CREDENTIALS REVIEW COMMITTEE

Dr. Jefferson, presented for the Board's review, correspondence from an applicant for licensure as a psychological associate requesting an extension of temporary license due to postponement in taking the EPPP written examination. After review, a motion was made by Dr. Shapiro to draft correspondence to the candidate stating that pursuant to the law and regulations his temporary license is extended to June, 2005. Motion, seconded by Dr. Runyon, carried. Dr. Jefferson agreed to draft correspondence for the Board in this matter.

DISCIPLINED PSYCHOLOGISTS REPORT

No Report

EXPIRED LICENSURE/CERTIFICATE REPORT

The Board reviewed a list of licensed psychologists/certified psychologists whose license/certificates had expired and had not been renewed within the ninety (90) day grace period. A motion was made by Dr.

Sobel to send a "certified letter" to each individual notifying them that their license/certificate was being cancelled and that in order to be reinstated they would need to submit the appropriate renewal fee

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plus a penalty fee of \$100. Motion, seconded by Dr. Shapiro, carried.

OLD BUSINESS

The Board reviewed the draft Opinion and Declaratory Ruling Regarding 1099 and W2 Employees. After discussion, a motion was made by Dr. Meyer to approve the Opinion as amended and to have the revised Opinion added to the Board's web site and placed in the upcoming Board newsletter. Motion, seconded by Mr. Runyon, carried.

The Board reviewed a draft of the Board Newsletter. After discussion, the Board requested that Ms. Satterly prepare the newsletter, with the recommended edits, for distribution to all licensees and place the newsletter on the Board's web site.

The Board reviewed email from Linda Asher on behalf of Michael E. Samuels, D.P.H. with the Kentucky Health Data Council requesting that the Board submit an invoice on Board letterhead requesting \$2,500 for advisory board fees for participation in the Kentucky Health Data Council project. A motion was made by Dr. Meyer asking staff to draft correspondence for the Board requesting the \$2,500 for participation in the Kentucky Health Data Council project, but stating that should the Board be unable to participate that the money would be refunded minus the travel and per diem expenses for Board members and staff in attendance at the meetings.

NEW BUSINESS

Correspondence was reviewed from DeDe Wohlfarth, Ph.D. written on behalf of the faculty at Spalding University requesting clarification of 201 KAR 26:121 and 201 KAR 26:171 as it relates to the employment of graduate students. A motion was made by Dr. Sobel to draft correspondence notifying Dr. Wohlfarth that when a person has obtained graduate-level education, training, and experience in psychology and that person is providing any direct mental health service to an individual or the public, then that person would be considered engaging in the "practice of psychology" and must obtain the proper credential from this Board and obtain supervision from a Board approved supervisor. Motion, seconded by Dr. Jefferson, carried. Dr. Davis agreed to prepare correspondence for the Board.

The Board reviewed and noted the open session minutes from the Board of Directors Meeting of ASPPB.

A motion was made by Ms. Bauman to approve payment of travel expenses and per diem compensation for eligible members in attendance at today's meeting. Motion, seconded by Dr. Meyer, carried.

The next scheduled Board meeting is to be held on Monday, June 6, 2005 at 10:00 a.m. at the Division of Occupations and Professions, 911 Leewood Drive, Frankfort, Kentucky.

The meeting adjourned at 11:25 p.m.



Approved